

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
August 26, 2019**

Present: Chairman Thomas LaPerch; Boardmembers Dan Armstrong; Eric Cyprus; Jack Gress; Jim King and Michael Hecht; Town Attorney Willis Stephens; Secretary Victoria Desidero. Absent & Excused: Vice Chairman David Rush; Town Planner Ashley Ley

PUBLIC HEARINGS:

1. **MAFFEI WETLAND PERMIT, 57 Milltown Road** – This was a Continued Public Hearing to review an application for a Wetland Permit. Chairman LaPerch said the Maffei Wetland Permit Public Hearing is going to be moved to a date to be determined because they owe our Wetland Consultant some more information so there is no information or Public Hearing comments tonight. Is there anyone here for that, he asked? No one came forward. Secretary Desidero said I believe that the applicant's engineer chose the 23rd of September so you could make a motion to continue until then. The motion to Continue the Public Hearing to September 23, 2019 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor.
2. **CRECCO WETLAND PERMIT, 62 Stallion Trail** – This was a Continued Public Hearing to review an application for a Wetland Permit. Paul Lynch of Putnam Engineering appeared before the Board. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor. Mr. Lynch said this lot is located in Starr Lea Farms, a subdivision that was originally approved back in the late '80s. It is 2.7-acre lot, he said, and there is a New York State regulated wetland that runs along the back of the lot and comes around and heads off onto the adjacent property. He said with this parcel as we tried to develop it, we need three permits: one permit from the New York State DEC (Department of Environmental Conservation); one permit from the New York City DEP (Department of Environmental Protection) because we will be within 100 feet of their watercourse; and the third permit being the Wetland Permit from the Town of Southeast. Mr. Lynch said we have done everything that we can physically to keep the house and the proposed development out of the wetland buffer and as close to the street as possible; we've located the house 50 feet off the front property line which is the Zoned setback, and the septic system was set by the testing that took place and we can't move it any closer to the street because we had a failed percolation test in this area so we are pretty much locked in to that location. In this particular layout, he said, we have the driveway on the left side of the house and we are proposing to have a rain garden on the right side of the house and the rain garden would treat the runoff from this roof. He said we have a proposed pool that is going to have a stormwater planter around it because the way the grades work there is about a one foot to a four foot drop off so, by having a retaining wall in that location we are able to have stormwater planters to deal with our runoff from the pool deck as well as the driveway and deal with our impervious areas. The Town Wetland Inspector asked us to develop a second concept, he said, because he felt we were protruding too far back into the wetland buffer. Mr. Lynch said this is the second concept we have and basically in this layout, the septic system is locked in place; the house we decided to flip flop it and hold 20 ft. off the septic, which is minimum; we've rotated the pool; the driveway is now on the right and our stormwater treatment is to handle the driveway as well as half the house with this rain garden and the balance goes to our stormwater planters around the pool. Chairman LaPerch said good, so you and (Wetland Inspector) Mr. Coleman will kind of coordinate your activities so most likely my action is to continue this Public Hearing until you guys are on the same page, correct? Mr. Lynch said that is fine. Chairman LaPerch polled the Board for questions and there were none. He opened the Public Hearing. John Savage of 45 Stallion Trail said I am just curious as to where is Stallion Trail on his diagram? Chairman LaPerch said OK, why don't you go up there and he will show you. Mr. Lynch said Starr Lea Road is here. They looked at the map together and Mr. Lynch answered questions about where the pool is and where the driveway is based on the existing cut out. Mr. Lynch said we are not going to use that existing cutout; it just

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
August 26, 2019**

doesn't work the way everything else is being laid out. Mr. Savage said and the front of the house is facing? Mr. Lynch said the street, yes. Chairman LaPerch asked for any other public comment. Town Councilwoman Lynne Eckardt said do you have a minimum square footage size that the house has to be in that area, in that neighborhood? Mr. Lynch said not that I know of. She said is there a deed restriction? He said I don't know off hand. Chairman LaPerch said can you get back to us on that? He said, regardless, it has to be approved by the Department of Health? Mr. Lynch said the septic has been approved for a four-bedroom house. Ms. Eckardt said I just didn't know whether they had a square footage... He said I will find that out. Chairman LaPerch said good, thank you. Any other questions, he asked. There were none. The motion to Continue the Public Hearing to September 23, 2019 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor.

3. **NEW YORK AMERICAN WATER WELLS WETLAND PERMIT, 36 Mt. Ebo Road** – This was a Public Hearing to review an application for a Wetland Permit to drill test wells. Mike Shortell of WSP USA appeared before the Board. The motion to Declare the Planning Board Lead Agency was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote to 6 to 0 with 1 absent. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. Mr. Shortell said we were here last month to open up a Public Hearing and we want to correct some statements that were made at last month's meeting. Chairman LaPerch said thank you, once again, Public Hearing so please address the public. Mr. Shortell said last month we indicated that this new or this proposed well was being drilled for the purpose of meeting DEC requirements; that is incorrect. The purpose of this well, he said, is in support of the Barrett Hill development and we are currently in negotiations with the developers of Barrett Hill development for New York American to offer a service (inaudible) so they will be serving the Barrett Hill development with the Mt. Ebo Water supply system. Mr. Shortell said I want to acknowledge that I've received a comment letter from Steve Coleman, the Wetland Inspector, and we are in the process of resolving our differences and I have requested a site meeting and hopefully I will get in touch with him very soon and have this site meeting very soon. Chairman LaPerch said fine, if you need any help, let me know. Chairman LaPerch said so let me just make sure I understood what you said: I think the Board had thought that the wells were really for a DEC issue of not enough water for the Mt. Ebo Park in itself but this is really in support of the Barrett Hill project? Mr. Shortell said correct. Chairman LaPerch said OK, so that is very different from what we were hearing last meeting. He said yes, very different. Chairman LaPerch said thank you and polled the Board for questions. Chairman LaPerch asked Boardmember Hecht: is the Fire Department on board with this issue in terms of well and enough coverage? He said I think they are. Chairman LaPerch said that is something I would like to know about. Mr. Shortell said well, they have an existing 500,000-gallon storage tank. Chairman LaPerch said and with Barrett Hill coming on board, that's good? Mr. Shortell said their average daily demand is anywhere from 20 to 333,000 gallons per day. Chairman LaPerch said he is our fire guy (indicating Boardmember Hecht) so I kind of am asking him. Boardmember Hecht said we have other sources in that area too. Boardmember Armstrong said I have a procedural question: when did you get Mr. Coleman's letter? Mr. Shortell said I got it Thursday, I believe. Boardmember Armstrong said I mean, given the volume of questions, it just seems to me that there is no way in the first place, having received it only on Thursday, you could not have responded to all of these questions and holding the Public Hearing... I don't know what it really produces. Chairman LaPerch said well, they didn't get the plans to Steve (Coleman)... so there was a little bit of a disconnect and he said earlier in his statement he is going to be working with Mr. Coleman to get this thing resolved at their earliest convenience so it is really on them to get this thing resolved with our consultant. Boardmember Armstrong said well, I voted to move the Public Hearing but I don't want to have the Public Hearing a repeat of this; if the plans are not complete by the time of the Public Hearing, then I think

TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
August 26, 2019

we should postpone the Public Hearing. Ms. Desidero said may I just say from a procedural standpoint, once the Public Hearing is set by the Planning Board, the applicant is required to come here and give any kind of update they might have and answer any questions from anyone who comes in from the public. They are required to be here, she said, so you can't just cancel it because something went awry. That's all I am saying, Dan (Armstrong), she said. He said we certainly by vote could adjourn it. She said but they are still required to come. Boardmember Armstrong said I am not debating that. Chairman LaPerch said I understand your point and it is well taken and we had a discussion with the applicant and they know they have some work to do to make Mr. Coleman happy and to come back at the next Public Hearing... Boardmember Armstrong said but the basis of the question is how could this many items have been overlooked; that's my question. Chairman LaPerch said thank you. There were no other Boardmember questions. Chairman LaPerch said so you got the flavor of the Board and I am going to ask the public at this time: are there any questions regarding this applicant's Wetland Permit and, if so, please stand up, state your name for the record please. Town Councilwoman Lynne Eckardt said I don't know whether you can answer this but when Barrett Hill went before the Town Board and everything, we weren't aware of this... do you know where the water was going to come from for Barrett Hill before then? Mr. Shortell said I am not familiar with Barrett Hill development itself so I can't answer that. Ms. Eckardt said OK and I thought this question was asked earlier, wasn't it? Chairman LaPerch said go ahead... Ms. Eckardt said I thought this question was asked at an earlier meeting about Barrett Hill and no one knew anything about it at that time so I am a little bit confused: I'm not sure if this has bearing on it but... I'd rather know things up front. Mr. Shortell said yup. She said so I am concerned about this. John Bainlardi of Wilder Balter Partners said so, when we were going through the approval process before your Board and before the Town Board, there was no knowledge at that point in time that there was an issue that was progressing with respect to the amounts and capacity of the water serving Mt. Ebo Water. He said when Barrett Hill is part of the development, it's in the service area and the Barrett Hill ownership position is 'we are part of the system, we are entitled to water.' As New York American Water has been working through this problem of making sure they have adequate water to serve the existing users, he said, and then going through a new development process; that new development process is (inaudible)... and a redevelopment of the existing wells. Chairman LaPerch said I don't get it because for the last three meetings it's all been about you're below the threshold for capacity for DEC purposes and the next thing you know we are talking about the Barrett Hill issue as being the driver for this issue and that's fine but for the last three meetings it was all about you guys kind of accommodating a problem at Mt. Ebo. Mr. Bainlardi said this application before you is a New York American Water application; Barrett Hill is... Chairman LaPerch said within the district but we asked the question many times about... is this also to help Barrett Hill and it was never confirmed; and if it is fine, it's neither here nor there now but this is kind of a last minute 'we thought so!' Mr. Bainlardi said just to be clear so that there is no misunderstanding: Barrett Hill is part of the Mt. Ebo Water System so it's not as though this well is a well that is being allocated for the sole purpose of Barrett Hill. This well is being developed so there will be additional water in the water system so that Barrett Hill can be brought into that system when Barrett Hill comes online. Chairman LaPerch said and that makes sense and I appreciate that but if you read the Minutes of the meeting that was not the narrative that was coming out... Mr. Bainlardi said that was not... Chairman LaPerch said listen, I am all about getting this done and making sure everyone has water up there, even for the future, but that was not the narrative that this Board was listening to. Mr. Bainlardi said now, of course, while this re-development process was going on, no one could know with certainty how it was all going to play out. Chairman LaPerch said we know that and we are here to help you to get to understand where these wells are... get you the Wetland Permit, that's our position. Mr. Bainlardi said it was probably some wishful thinking that as the re-development process took place that the water that was produced by the fracking of the wells and so forth that this well would not be necessary.

TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
August 26, 2019

Chairman LaPerch said well, if it is, we are here to try to figure out how to help you get there. Chairman LaPerch said thank you; there is another follow up question here with Lynne... Ms. Eckardt said it is more of a comment, I'm sorry but the Town Board went through this process and it was asked many times because there were concerns about even a fire that happened at Fieldstone Pond and was there enough water and pressure and what I don't like is when I ask a question and I don't get the real answer. I guess my question would be, she said, if Barrett Hill was built tomorrow, I want them to have enough water but if it was built tomorrow, would there be enough water? Mr. Shortell said not without this well; if we drill this well and only get 5 gallons a minute, then we would have to find another well elsewhere. Ms. Eckardt said OK. He said we have to find a pretty decent well, anywhere from 30 to 45 GPM (gallons per minute) to satisfy the requirements of Barrett Hill and, if we don't, then there's no ability (inaudible). Ms. Eckardt said and I don't want to pick on you, I don't think you were part of that process so much but I think it is really disingenuous to tell us that there is enough water when there is not enough water for a project. I mean that's a real problem for me, she said, because I am working through the approvals process and who on this Board wants to approve something that doesn't have water there? Mr. Shortell said what we recently completed was the re-development and drilling of new wells and the deepening of existing wells to increase their capacity. Six months ago, he said, New York American Water did not have enough water to meet DEC requirements. Chairman LaPerch said for Barrett Hill or for the... Mr. Shortell said for Mt. Ebo... the existing development. Chairman LaPerch said right, that was the premise you were in front of us for but now all of a sudden, it's a Barrett Hill issue. Mr. Shortell said we drilled a well in the other side of the development, Fieldstone Well 2, and that, as you know, was put online on an emergency basis because there wasn't satisfactory water to meet the development. Since the drilling of that well, he continued, we have four different well fields and we've hydro-fracked, which hydro fracking is a re-development technique to increase or restore the yield of a well. Chairman LaPerch said excuse me, I don't want to get technical with you but Lynne's (Eckardt's) point is that you need to find water to accommodate the Barrett Hill development; is that what you are trying... Ms. Eckardt said and I just feel it has been disingenuous and not transparent and this Board and my Board cannot make good decisions because we rely on you and the applicant to tell us the truth and exactly what's going on. She said I want you to fix this problem but you miss the point if you don't understand why I am angry right now. Mr. Shortell said I understand; you are not getting a consistent story and six months ago or whatever it was, the story was accurate, what was said was accurate. They did not have, he said, New York American did not have an adequate supply to meet the DEC requirements for the Mt. Ebo development. He said that was prior to the well rehabilitation, the well deepening, the new well drilling and since then all of that has occurred and with regard to last month's statements, I corrected the record tonight on behalf of New York American so this is an evolution, it's not a one size fits all. Mr. Shortell said six months ago they didn't have enough water. Chairman LaPerch said right, the bottom line is we need to get you to the point of understanding you have water there to accommodate... Mr. Shortell said yes. Ms. Eckardt said and I just want from here forward... I want you to tell this Board exactly what is going on, not oh I forgot to tell you a month ago that we only had this much water: this Board needs to know exactly where you stand and what water you can provide. Mr. Shortell said I understand that. Ms. Eckardt said OK. Chairman LaPerch said Mr. Armstrong has a follow up question. Boardmember Armstrong said so has this been caused, in essence, by both developments both needing additional water? Mr. Shortell said this well... if Barrett Hill were not on the table, this well wouldn't be drilled. The other existing wells that the other well field, he said, six months ago or whatever it was, they did not have the capacity to meet DEC requirements, which is why New York American hired WSP to drill the wells deeper, re-develop and get new wells online. Boardmember Armstrong said OK, now has this been caused by an act of nature, where the flow has just... below the ground has just lessened, has slackened or is it from larger demand for water? Mr. Shortell said no it is not a larger demand; over time the yield of

TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
August 26, 2019

bedrock wells, they diminish, When you get into extended pumping cycles, he said, where you turn the well on but you don't turn it off, you bring the water level all the way down to the pump and essentially you have de-watered the area so one of other things we are doing for New York American is providing them guidance on how they want to operate these wells. Because bedrock wells need time to rest so to speak, he said, if you pump a bedrock well 24 hours a day, 365 days a year, you might start out with 100 gallons a minute but at some point in time, you are going to get down to 25 gallons per minute. Boardmember Armstrong said OK, but when you design it and you determine how big the pipes have to be and have all of that information, do you plug in a surplus to take account for these kinds of developments over a period of time or do you just do the minimum and that's it? Mr. Shortell said you are going to find your highest yield right after drilling, so all pumping and infrastructure would be sized based on that highest load yield. Over time, he said, it may diminish depending on how it is operated but at the time of the well drilling, you are at your best so you would be sizing based on the flowrate from the well whether it is a three-inch pipe, six-inch pipe, it would be dependent on that maximum yield or your best case scenario yield. Boardmember Armstrong said somewhere in the records, would there be a number that says this is the calculated highest demand for a day, a week, a month or whatever, and this is the number that these wells, this system, can produce in a day, the highest amount? He said I mean do you anticipate that kind of thing or how is it done? Mr. Shortell said well, the development itself has an existing DEC permit and the yields identified in that DEC permit are inflated; they have nothing to do... and that DEC permit is years and years old. We have to update the DEC permit, he said, and that permit will be updated with current yields after drilling, after deepening, and after hydro fracking, so the permit that is obtained from the DEC will be our best-case scenario at this point. Boardmember Armstrong said but does the DEC plug in an amount that gives a certain amount of cushioning if for some reason there is a drought or something goes down; what I'm trying to say is fixing it to make it work for now is fine but it's all going to be here for a while longer and I'd rather not see you have to come back and do it over again. Mr. Shortell said when we do 72-hour pump tests we look at... we prepare a graph that looks out 180 days under drought conditions to see what the water level will get down to if there is no-recharge to the aquifer after 180 days. (Both talking at same time.) Mr. Shortell said well, I don't know what was approved back in the day when they originally got the DEC permit but the permit we obtain currently will have that 180-day correction in it so there is a drought factor in it. Chairman LaPerch asked if anyone of the Board members had follow up questions. Boardmember Hecht said do you have any sense when Barrett Hill realized they didn't have enough water? Mr. Bainlardi said I can answer that question. So, he said, I believe that we first heard through the grapevine, so to speak, that there was an issue was when New York American Water was before this Board or the Town Board advising that there was a problem and that there had been an emergency situation declared and the DEC then became involved because the increase in the system was going to be more than 100,000 gallons. He said the original approval for Mt. Ebo way back when was done through the Department of Health and the standard at the time was to do the design flow to what they expected would be produced by the development and twice that amount is what was required to get the system approved. Mr. Bainlardi said now as Barrett Hill comes in, Barrett Hill is going to have to meet that same standard under New York State laws so Barrett Hill has provided it's estimated design yield or design use and then twice that amount is going to be required to meet the Barrett Hill requirements. Boardmember Hecht said so why... Mr. Bainlardi said the existing system has... they know what their peak usage is, they know what their average daily use is and they know what their peak use is. My understanding, he said, to be confirmed by WSP/New York American Water is that, now that they have completed their re-development, they will have enough water to meet that high peak demand. Boardmember Hecht said but prior to the meeting that we had where it was a whole different conversation, Barrett Hill had no concerns about... Mr. Bainlardi said that's right and we had an approval from the Department of Health and we had no reason to doubt that the water was available

TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
August 26, 2019

because the design for the approval for Barrett Hill was significantly higher but what it turned out... what was happening was that, over time, the wells probably weren't rotated as much as they needed to be and it turned out that there was not enough water being produced and that's what created the problem. Once we discovered that there may be an issue, he said, our initial response was 'hey, we're in the system, we're entitled to water.' Mr. Bainlardi said where we are now, as was mentioned earlier by Michael (Shortell), is we're trying to work together with them to get to a solution and we've offered to share the cost to do that. Boardmember Hecht said I'm just finding it hard to... Mr. Bainlardi said that's what's been going on here with us; that's why we were here at the last meeting for the Board... we're not just here just to... Chairman LaPerch said yes but I think the messaging has been lost, all right, and I think you are picking it up not only from this Board but from the public comments. Full disclosure would have been nice, he said, in terms of what's going on. He continued: let's not dwell on this, let's figure out how to get you to the next meeting to get you with our consultants that they are comfortable with what you are providing and the information. Chairman LaPerch said Victoria (Desidero), what is my action here? Ms. Desidero said I think you have another question... Chairman LaPerch said I'm sorry, I didn't see you, yes sir? George Ivy said I am a resident of the area; I live in a community called Maplewood North and I've been there for about 16 years and its within close vicinity of this... Chairman LaPerch said welcome. Mr. Ivy said first, I wanted to thank Mr. Armstrong for his questions; I'm an accountant, I'm not an expert in this area but you guys have a responsibility to take care of the community and I would urge conservatism in how you access this project. He said this is another multi-family community that you are moving into this area and I have no problem with that, again I am not an expert at this, but I think back to when the Fieldstone project came into this community and there was a lot of testing done on how much water they were going to draw from the community and I'm not sure appropriate conservatism was applied at that time. Mr. Ivy said I know, speaking personally about my well, I get a lot more silt in it, I get tiny particulate matter, I've had to install a filter so there is a lot going on in our water system and what I would urge this Board to do and, I don't know anything about this project, I'm just saying you are going to have large projects coming into this area, I think you guys have a responsibility to be conservative with the water (inaudible) and make sure there is capacity. He said I would just urge the Board to do that. Chairman LaPerch said we appreciate your comments and typically, the outside agencies, Mr. Ivy, are guiding us with what they believe is appropriate levels of service and for this kind of thing so we have our own consultants and we have the outside agencies chiming in so your point is very well taken and I appreciate your comments tonight. Town Councilman John Lord said the wells that are proposed to be drilled, are they in the wetlands? Mr. Shortell said it's in the wetland, yes. Mr. Lord said I believe that Springhouse had wells in wetlands and they caused issues with their water; I think it was contaminated at some point and that's why they had to dig new wells at a big expense. He said I think subsurface water got down into the well so it polluted their water so it was a big expense for that Springhouse community (inaudible)... Are you taking the proper precautions to make sure this is something that will be successful? Mr. Shortell said we are drilling in close proximity to the stream; as part of drilling the well, we would conduct a 72-hour pump test and near the end of that 72-hour pump test, we would collect water samples for what's called a Sub-Part 5 New York State Water Quality Analysis. He said it's a full sweep, about a \$2500 water quality analysis, included in that we would be doing something called a micro particulate analysis and what that is is a sample that is analyzed for potential surface water contaminants and the results are put in a form of "low risk," "moderate risk" and "high risk." If the well is seen as high risk, he said, then we would have to put in treatment equipment to treat the water supply that is under the influence of surface water. He said it's possible that it may be under the influence of surface water but it is also possible that it's not, that's why we go through the (inaudible) but all the results... the results of the yield test are submitted to Putnam County Department of Health and New York State Department of Health and they would sign off on that water quality (inaudible). He said the water quality yield and the water

TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
August 26, 2019

quality data and the appropriate water treatment equipment would be put in if it is under the influence of ground water or if there are certain water contaminants in the (inaudible). Mr. Lord said I don't know what the circumstances were with the Springhouse well failing... I don't know what Board approved of that well drilling... I am just concerned that we may be going through... Town Attorney Will Stephens said John (Lord), perhaps I can help you out: what happened with Springhouse is that the Federal regulations were different when Springhouse was originally developed and subsequently it became a well that was under the influence of surface water because of the fact that the regulations had changed where the location of these wells were. He said the problem when you call it 'contaminated,' the wells weren't contaminated, they just had high levels of manganese and iron, I think. Mr. Shortell said and those aren't representative of surface water... Mr. Stephens said but what that did was... it didn't contaminate the water but it made it at levels where it had to be treated to... and it was a very expensive proposition so we ended up developing a whole new well field for that after the developer abandoned it. Mr. Lord said my question is more... you have other sites that are available that you would also consider should we not produce the yield that we need... that's my understanding? Mr. Shortell said yes, we'd be moving further up into this area if down here is not productive. Mr. Lord said is that area up there not in wetlands? Mr. Shortell said well its in the buffer of the New York State DEC wetland so we would have to get a permit from DEC to drill that well. Ms. Eckardt said I'm sorry, really quick question that I would like to see it in the next area because what we'll hear about on the Town Board is why have my rates gone sky high or maybe they won't go sky high; do you have any indication now, or could you by the next meeting, tell us what kind of rates people will be looking at if (inaudible). Mr. Shortell said the rates are established by the Public Service Commission (PSC) and they get adjusted... I don't know what the frequency is... but any rate increase would have to be approved by the PSC and they require a specific set of documents in support of the rate increase so just the fact that we are drilling this new well does not translate to a rate increase and, as Mr. Bainlardi indicated, New York American and his company are splitting the cost of drilling the well and incorporating it into the system. Ms. Eckardt said so can I pin you down that your belief is this will not affect the water rates? He said there haven't been any conversations that have indicated that I am aware of that a rate increase would come out of the drilling of this new well. She said thank you. Chairman LaPerch said any other public comment at this point? Boardmember Armstrong said who establishes for any project what the capacity need is for that particular project, a one-family house, a condominium, whatever, a small office building, whatever it is, who establishes the minimum requirement that the well system or wherever it is coming from has to provide on a daily, hourly basis, whatever it is and is there worked into that also a cushion, some sort of like percentage. 10% over what is actually determined to be the need by whatever calculation, he asked, so is that done or is it up to the individual property owner to determine what capacity they want to produce at a different date, hour, whatever? Mr. Shortell said there are two different agencies involved in this: NY State Department of Health and the NY State DEC. There are guidance documents, he said, or standards so to speak that establish the unit demand per bedroom so in Barrett Hill's case, their demand was based on per bedroom at a unit rate. He continued: the Putnam County Department of Health gets that information and they either approve it or not. If they don't, then they have to come back with updated figures or address any comments or whatever but the average daily demand and the maximum daily demand are approved by the DOH and the DEC. Boardmember Armstrong said thank you. Chairman LaPerch said good questions. Harold Lepler said Mr. Hecht had a question regarding the fire protection. He said I've been involved with Mt. Ebo from its inception so the water system goes back about 40 years and a few years back, as you may know, there was a serious fire at Fieldstone Pond. The origin of the fire was subject to, I believe, a police action, he said, and it was a natural gas main (inaudible) created a serious problem and the Fire Department utilized the tank at Mt. Ebo, which is approximately 500,000 gallons, the stand pipes that we installed with secondary pump houses for (inaudible) section where you first enter at Doansburg Road both left

TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
August 26, 2019

and right, which was 5 million gallons of fire protection. He said to my knowledge none of the residents of Fieldstone or any of the other buildings ever had an interruption of domestic water despite the draw down... Boardmember Hecht said I don't know what they felt but we had water. Mr. Lepler said to my knowledge (inaudible)... Chairman LaPerch said thank you Mr. Lepler. Eleanor Haggerty of Fieldstone Pond said the sanitation (inaudible) is behind me; it's in my backyard. My concern, she said, is that I moved here 31 years ago and I thought that Fieldstone water department/sanitation department was part of where I live because it is sort of in there and correct me if I am wrong but now we supply... in the beginning I think it was just Fieldstone but then there were a lot of commercial buildings put on Mt. Ebo South. We have the residence across the way, the seniors, you have the nursing home, she said, I mean this is a lot of water and you want to put more. Ms. Haggerty said how much can this... the Mt. Ebo Water take care of? Chairman LaPerch said that's their problem to solve to the satisfaction of both agencies he spoke of earlier before we approve it. Ms. Haggerty said I wish from the very beginning they had... Chairman LaPerch said I think he answered Mr. Armstrong's question which is to your point if I understand what you just asked me: 'is there enough water for everybody?' and I believe the applicant... Ms. Haggerty said would this be the last thing... you know... it seems like everything is connected... Chairman LaPerch said you are absolutely right, it's all part of the same system and once again it is the burden of the applicant to prove to the agencies that there is enough water to supply everybody including fire safety issues to that site. She said and including them? Chairman LaPerch said that is absolutely correct; the burden is on the applicant to provide that to the satisfaction of those agencies that he just mentioned two minutes ago. He said your question is very fair but once again we are held to the standards by these agencies that are reviewing this application and if they don't meet that threshold, they have a problem... OK... that they will not be able to build if... Ms. Haggerty said I just wonder how many more places can pull water from this... Chairman LaPerch said I personally don't remember what's left up there but I think this is the last lot to be brought online. She said then I am also kind of curious why this meeting was e-mailed, OK, it was e-mailed and you have to go and do your pdf to get this piece of paper and, quite frankly, I mean I talked to several people around in the neighborhood and nobody reads their e-mails or they didn't get it and they don't care. Chairman LaPerch said well, I apologize... I'm sorry to hear that but this applicant has followed the regulations according to our notice provisions. Ms. Desidero said I'm sorry... they don't have your e-mail addresses from the Town; the Town only gives actual addresses. Maybe that came from your Homeowners Association, she asked. Ms. Haggerty said well, I don't know where it came from... no... it says... maybe that's where it came from but it has your name. Chairman LaPerch said well they fulfilled the obligation for public notice for this meeting and you can check... She said but it came by e-mail. Chairman LaPerch said that depends on your delivery system maybe within your organization. She said it says go to our website and I went there and there was nothing. Chairman LaPerch said well, they, once again, have fulfilled the obligation of public notice for this application. Ms. Haggerty said this is a public notice in an e-mail... He said but that is not our delivery problem; if they did what they are supposed to do according to our regulations... you received it, I'm not sure how you received it but our understanding is it is probably through your management company which typically would send out notices; that's my thought. Ms. Haggerty said well... I don't know... people... maybe they didn't look but they just came and they just came a couple of days... Ms. Desidero said so let me just explain when somebody comes for a Public Hearing they are required to go to the Assessor's Office and get a mailing list; it's a US mailing list... the Assessor could not and would not provide anybody's e-mail addresses so I suspect what happened in this case is that because you live in Fieldstone, your condo association or whoever is the management company or the association, they would be notified by the applicant. My guess is, she said, I'm pretty sure somebody there took it and then forwarded it to you, the residents, as an e-mail. She said we do not notify by e-mail. Ms. Haggerty said OK well not everybody is part of... on that website anyway... Ms. Desidero said so I think that's probably

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
August 26, 2019**

what happened. Ms. Haggerty said I think we got a notice a long time ago, about six months ago in the wintertime, on this situation and that was... came out too so I just didn't think it was quite the way to do it. Chairman LaPerch said well, we appreciate your comments; thank you and if you have any further questions... Anita Rivera of Fieldstone Pond said I am just curious... I didn't hear about it all. Chairman LaPerch said OK. She said shouldn't all the residents get a letter? Ms. Desidero said no, so the way that our Code is currently written if you live in a condominium complex, it is everyone within 500 ft. but your management association or your condo association receives the notice, not every resident. Chairman LaPerch said yes, it is their responsibility to let you know about that. Ms. Desidero said I believe that is the way it is done now. Chairman LaPerch said OK, any other questions? He said I am going to offer you (Mr. Shortell) the same dates that the previous applicant had: Sept. 9 or Sept 23 for you to come back to make our consultants happy but make sure you have them happy. I don't want any questions unanswered, he said, so it is really your business decision how quickly you can respond to it so I'll leave that to you. Can you give me an answer tonight, he asked? Mr. Shortell said the 9th. Chairman LaPerch said you want the 9th so you are going to have everything tucked in by the 9th... OK. The motion to Continue the Public Hearing to Sept. 9, 2019 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Boardmember Armstrong said I have a question: when will the notices go out? Chairman LaPerch they went out. Boardmember Armstrong said how many days before the meeting? Ms. Desidero said they don't notice it again. Chairman LaPerch said the original notice... Boardmember Armstrong said aren't they going to send us... aren't they going to send people a notice? Ms. Desidero said it is a continuation... He said so no notice... all right. Chairman LaPerch advised the people from Fieldstone to get the word out about Sept. 9. He said you can speak to the applicant outside if you like.

REGULAR SESSION:

1. **PAUKNER CONDITIONAL USE PERMIT, 306 Tonetta Lake Road** – This was a review of an Application for Final Approval of a Conditional Use Permit for an Accessory Apartment in an Accessory Structure. Jamie Spillane of Hogan & Rossi appeared before the Board. Ms. Spillane said so this is an application for a Conditional Use Permit and this was in front of the Board, I believe its years ago at this point. Chairman LaPerch said you were in high school, I think. Ms. Spillane said the property has on it a two-bedroom home that's 960 sq. ft., very tiny, two-bedroom home, and then it has a garage that has an accessory apartment built over it. She said the accessory apartment as built is three bedrooms and at the time that this came before the Board it was sent to the Zoning Board for variances and those variances were obtained but those variances were for a two-bedroom accessory apartment; that's what we have approval for from the Zoning Board so that's what we are seeking at this point under this Conditional Use Permit; that two-bedroom accessory apartment. Ms. Spillane said the property is also being connected to the Blackberry Sewer District since the last time that we were here... Chairman LaPerch said was that completed? She said yes, my understanding is that it has all been completed. We filled out a new EAF even though there was a determination when it was previously submitted but since it's been some time, we re-submitted that as well, she said. There is no new construction being proposed in this application, she said, it is just to get the required approval so that this can be a legal accessory apartment. Chairman LaPerch said the resolution needs to be adjusted a little bit because we have a three bedroom, not two bedrooms. He said from my understanding it was finally connected; it started in 2008 and I think you are back but you received your variances, correct? She said correct. Chairman LaPerch said the only thing I think missing from this file, we gave your colleague a heads up because of an action that we can't complete tonight, is the Board of Health water... the well issue. Ms. Spillane said yes, he told me he does have that and he is going to get that over to you; we do have all the approvals that we need so we will get it over to you whatever documentation you

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
August 26, 2019**

need on that. Chairman LaPerch said time out, what's the issue here... you don't have it? Ms. Desidero said I am very uncomfortable with this particular resolution because (Town Planner) Ashley (Ley) is not here to review it. I think it requires some conditions, she said, that I don't know how to write: this one being one of them. She said I noticed in looking through the file today that one of the requirements of the approval was that it go from three bedrooms to two bedrooms and it is noted in a small way on the plan but I think it needs to be noted in the resolution of approval. Ms. Desidero said I think we can do everything but this final approval. Chairman LaPerch said Jamie (Spillane), I am going to make a recommendation on that one final issue not to approve this resolution: it's been eight years so I don't think another meeting is going to make a difference personally. He said I want everything tucked in, make sure everything is legit, and Ashley (Ley) is away so I'm going to kind of recommend... Ms. Desidero said you can do all the other things. He said we are going to do all the actions except this resolution. Chairman LaPerch polled the Board for questions. Boardmember Armstrong said so how many units are there in these buildings? Ms. Spillane said in the house itself, it is a two bedroom and the accessory apartment over the garage what we are seeking approval for is a two bedroom. She said there were three bedrooms constructed when the accessory apartment was built but it's not going to be used as a second bedroom, we are only seeking approval for the two bedrooms. He said and this a one family Zone? She said yes. He said and the Zoning Board granted you variances for the second unit? Mr. Stephens said they were granted on the condition that this property be connected to the Blackberry Sewer District; the sewer district has been expanded and that connection has been made. Boardmember Armstrong said so the cost of it... of any children there for education is that... Mr. Stephens said we are talking about the sewer district. Boardmember Armstrong said I'm sorry I thought you said school district. Ms. Spillane said so the applicant paid the connection cost to connect to the sewer district. Boardmember Armstrong said I would love to see what the case was... how this happened... just kind of curious. Mr. Stephens said I can tell you in a nutshell: somebody built it illegally and now they are trying to legalize it. He said it was built as a garage and the prior owner converted it into an apartment; this person that currently owns it bought it thinking it was all approved and found out subsequently it wasn't so he has been going through the last eight or nine years getting it legalized. Boardmember Armstrong said they've been at it trying to get it... by what means? Mr. Stephens said absolutely, by going to the Zoning Board, getting variances that would allow them to have... first of all they needed to get a variance just to have the accessory apartment because the lot is not large enough so they got all the necessary variances. Boardmember Armstrong said oh, they got all of them? Mr. Stephens said they got them and the condition to get those variances was to connect to a central sewer system and that's all been done but it took them a long time to do it. Boardmember Armstrong said I have been here 20 years and this is the first time I ever heard of anything like this. Mr. Stephens said there is another one across the street that should be doing the same thing but they would rather litigate. Boardmember Armstrong said OK, thank you. Chairman LaPerch said I have four actions here tonight. The motion to Affirm the Planning Board as Lead Agency under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Classify this as a Town of Southeast Minor Project was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Chairman LaPerch asked for comments on waiving the Public Hearing and no one objected. The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed all in favor. The motion to Affirm the prior Negative Declaration under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 6 to 0 with 1 absent. Chairman LaPerch said the final action tonight was to grant the final Conditional Use Permit, which we are waiting on, OK Jamie (Spillane)? She said can we put that over to the 9th? Ms. Desidero said yes but I need two things: I need whatever came from the Department of Health regarding the connection to Blackberry, I understand it exists but I need it for the Planning Board

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
August 26, 2019**

File, and I need something showing that the Health Department approved the water supply. Boardmember Gress said can we consider approving the application pending the approval of the things that Victoria (Desidero) wants. Chairman LaPerch said I would have thought that today but listen, they've waited eight years, I think another two weeks is not gonna kill this: they are up and running so I would prefer not to give any conditions on this application. Mr. Stephens said if I could interject as well: could you provide certification that the connection to the sewer district is complete and operative and all the pumps are in place and operative? Chairman LaPerch said good comment, thank you. Ms. Spillane said got it.

2. FORTUNE RIDGE SUBDIVISION, STONE HOLLOW DRIVE & KNOLL RIDGE COURT

– This was a review of a Request to Consider having two roads dedicated to the Town. Attorney Richard O'Rourke of Keane & Beane and Fortune Ridge Project Manager Steve Trendell appeared before the Board. Chairman LaPerch asked Mr. Stephens to explain to the Board what is being asked tonight as this is a little different for a road to be approved prior to the subdivision being finished and this is something that the Town Board has agreed to and the Town Highway Superintendent wrote a letter in support of this. Mr. Stephens said the Highway Superintendent as well as the Town Engineer have certified that roads that are being offered for dedication are substantially complete and in conformity with our Town Highway, Town road specification. He said what is different with this particular project is that they're not dedicating or conveying to the Town all of the roads, just those that are fully complete which would be Stone Hollow up to a point where it intersects with Knoll Ridge Court and all of Knoll Ridge Court. Those roads are 100 percent complete, Mr. Stephens said, the concern that was raised by the Town Board was that since there is a substantial number of lots that are going to be developed in the future and will need access over a completed Town road with heavy equipment that there is some concern that there may be a failure. He continued: what the parties have worked out in an agreement is that approximately \$300,000.00 of the existing bond, which I think is more than \$8 million, is that right? Mr. O'Rourke said it is \$4.8 million. Mr. Stephens said right, that was reduced, will be earmarked and not released until the last CO on the north side of the development is issued to have an insurance policy in the event there is damage that is not a Town charge. Chairman LaPerch said anything to add to that? Mr. O'Rourke said there is a built-in cost of living escalator, the CPI, for the amount of money that is being set aside if that portion of the road that is now complete needs to be done at a later point in time. Chairman LaPerch said and that has been worked out to our satisfaction? Mr. O'Rourke said yes, we have an agreement there. Chairman LaPerch polled the Board for questions. Boardmember Armstrong said so are these roads connected to existing roads? Mr. O'Rourke said yes, its connected to... Boardmember Armstrong said there is no void between them; its not unpaved area? Mr. O'Rourke said no. The motion to recommend to the Town Board acceptance of the Stone Hollow Drive and Knoll Ridge Court as Town Roads was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 6 to 0 with 1 absent. Chairman LaPerch said so you have it and the school buses can... pending Town Board approval of this? Mr. O'Rourke said yes, that's what we are hoping for. Chairman LaPerch said and you are on when? Mr. O'Rourke said Thursday night.

The motion to approve Meeting Minutes from July 8, 2019 as written was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor with Boardmembers Gress & Cyprus abstaining.

The motion to approve Meeting Minutes from July 22, 2019 as written was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor with Boardmembers Cyprus and Hecht abstaining.

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
August 26, 2019**

The motion to approve Meeting Minutes of August 12, 2019 as written was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor with Boardmembers Hecht and King abstaining.

The motion to close the meeting was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor.

September 18, 2019/VAD